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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THOMAS LEONARD, et al.,

Plaintiffs,

v.

BIMBO BAKERIES USA, INC., et al.,

Defendants.

No. C 05-00829 JW

No. C 07-03156 JW

STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE  
SCHEDULED FOR OCTOBER 29, 2007

Judge: Hon. James Ware

A/72257442.2/3003187-0000313787

1 KATHLEEN MORRISON, et al.,  
 2 Plaintiffs,  
 3 v.  
 4 BIMBO BAKERIES USA, INC., et al.,  
 5 Defendants.

No. C 07-03156 SI (reassigned to Judge James Ware)

STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE SCHEDULED FOR OCTOBER 29, 2007

Judge: Hon. James Ware

7 Pursuant to Northern District Civil Local Rules 6-2 and 7-12, Plaintiffs Thomas  
 8 Leonard *et al.*, Plaintiffs Kathleen Morrison *et al.*, Defendant Bimbo Bakeries USA, Inc.  
 9 (“BBU”), and Defendants George Weston Bakeries, Inc. (together, the “Parties”), respectfully  
 10 request that the Court permit the Parties to continue the hearing date for the Case Management  
 11 Conference, currently calendared for October 29, 2007, by three weeks, to November 19, 2007,  
 12 and to continue the due date for the Parties’ Joint Case Management Conference Statement  
 13 accordingly.

14 The Parties request that the Court grant the foregoing continuance because the  
 15 Parties did not receive the Order scheduling the October 29, 2007 Case Management Conference  
 16 for both actions, and granting in part BBU’s Motion for Summary Judgment in the *Leonard*  
 17 action, denying the *Leonard* Plaintiffs’ Motion for Partial Summary Judgment in the *Leonard*  
 18 action, ordering that the *Leonard* action and the *Morrison* action be related and that the *Morrison*  
 19 action be reassigned to the Department of the Honorable James Ware until October 10, 2007, 12  
 20 days after the Court had signed the Order. *See* Declaration of Wendy M. Lazerson in Support of  
 21 Stipulation and [Proposed] Order to Continue Case Management Conference, ¶ 2. In view of the  
 22 foregoing, the parties have not had an adequate opportunity to meet and confer and file a joint  
 23 statement for the conference now scheduled for October 29, 2007 and will not have an adequate  
 24 opportunity to do so by October 19, 2007, the date the joint statement is currently due. Given the  
 25 especially large number of issues decided by the Court and the complication of having two  
 26 related actions, the Parties jointly request additional time to consider the import of the Court’s  
 27 Order and meet and confer about the future course of this action. Permitting this brief

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1 continuance will enable the Parties to engage in a more meaningful meet and confer process and  
2 better advise the Court of the status of the action and proposed upcoming events.

3 Pursuant to Local Rule 6-12, all other previous time modifications and the effect  
4 that the requested continuance would have on these actions are set forth in the accompanying  
5 Declaration of Wendy M. Lazerson.

6 **STIPULATION**

7 **IT IS THEREFORE STIPULATED** by Plaintiffs and Defendants, being all  
8 parties of record to these two related actions, that, based on the above-stated facts and subject to  
9 the Court's approval, the Court order as follows:

10 1. The hearing date for the Case Management Conference shall be continued by  
11 three weeks, to November 19, 2007 at 10:00 a.m., or to a later date more convenient to the Court.

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2. The Parties shall file a joint Case Management Statement no later than  
November 9, 2007.

DATED: October 18, 2007

Bingham McCutchen LLP

By: \_\_\_\_\_/s/  
Wendy M. Lazerson  
Attorneys for Defendants  
BIMBO BAKERIES USA, INC. and GEORGE  
WESTON BAKERIES, INC.

DATED: October 18, 2007

Spiro Moss Barness LLP

By: \_\_\_\_\_/s/  
Ira Spiro  
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THOMAS LEONARD, et al.

DATED: October 18, 2007

Gigliotti & Gigliotti, LLP

By: \_\_\_\_\_/s/  
Joseph J. Gigliotti  
Attorneys for Plaintiffs  
KATHLEEN MORRISON, et al.

  
PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

This is the parties' final continuance.

DATED: October 22, 2007

  
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THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE